

Registered with the Registrar
of Newspapers for India under
No. M. 8270



Registered No.
TN/PMG(CCR)/42/09-11
WPP No. 88(556)
Dated : 29-6-2010
Price : Rs. 6-00

புதுச்சேரி மாநில அரசிதழ்

La Gazette de L'État de Poudouchéry

The Gazette of Puducherry

PART - II

சிறப்பு வெளியீடு	EXTRAORDINAIRE	EXTRAORDINARY
அதிகாரம் பெற்ற வெளியீடு	Publiée par Autorité	Published by Authority

விலை : ரூ. 6-00	Prix : Rs. 6-00	Price : Rs. 6-00
-----------------	-----------------	------------------

எண் } புதுச்சேரி செவ்வாய்க்கிழமை 2010 ஆம் ஆண்டு 29 ம்	
No. } 33 Poudouchéry Mardi 29	Juin 2010
No. } Puducherry Tuesday 29th	June 2010
(8 Asadha 1932)	

GOVERNMENT OF PUDUCHERRY

LABOUR DEPARTMENT

(G.O. Ms. No. 6/AIL/Lab./G/2010, dated 18th June 2010)

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 53 of the Puducherry Shops and Establishments Act, 1964 (Act No. 9 of 1964), the Lieutenant-Governor, Puducherry hereby makes the following rules further to amend the Puducherry Shops and Establishments Rules, 1964, namely :—

1. *Short title and commencement.*— (1) These rules may be called the Puducherry Shops and Establishments (Amendment) Rules, 2010.

(2) They shall come into force on and from the date of their publication in the official gazette.

2. *Amendment of rule 3.*— In the Puducherry Shops and Establishments Rules, 1964 (hereinafter referred to as the said rules), for the existing Table under sub-rule (2) of rule 3, the following shall be substituted, namely:—

“THE TABLE

If the number of employees proposed to be employed on any day during the financial year to which the registration fees relates:—

	Fees Rs.
1. Is ‘Nil’, <i>i.e.</i> no person is employed in the shop/establishment. . .	30.00
2. Does not exceed 5 . .	100.00
3. Exceeds 5 but does not exceed 10 . .	200.00
4. Exceeds 10 but does not exceed 20 . .	350.00
5. Exceeds 20 but does not exceed 50 . .	1,000.00
6. Exceeds 50 but does not exceed 100 . .	2,000.00
7. Exceeds 100 and above . .	2,500.00.”.

3. *Amendment of rule 6.*— In the said rules, in rule 6,—

(a) after sub-rule (3), the following shall be inserted, namely:—

“Provided that if the application for renewal is sent—

(i) after the date of expiry of the registration certificate but within a period of two months from the date of expiry, an additional fee representing 50% of the prescribed fee; and

(ii) after a period of two months from the date of expiry of the registration certificate, an additional fee representing 100% of the prescribed fee, ;

shall accompany the said application for renewal.” ;

(b) after sub-rule (4), the following shall be inserted, namely:—

“(5) The period of renewal of certificate of registration shall be one year or up to three years from the date of its expiry, at the option of the employer.”.

4. *Amendment of rule 7.*— In sub-rule (1) of rule 7 of the said rules, for the words “five rupees”, the words “twenty rupees” shall be substituted.

5. *Amendment of rule 15.*— In the said rules, for rule 15, the following shall be substituted, namely:—

“15 Appeals under section 44.—

(1) The Deputy Commissioner of Labour shall be the authority for the purposes of hearing appeals under sub-section (2) of section 44 of the said Act:

(2) Any appeal under sub-section (2) of section 44 shall be preferred by the person employed within thirty days from the date of service of the order terminating the service with the employer, such service to be deemed effective if carried out either personally or if that be not practicable, by prepaid registered post to the last known address when the date of such service shall be deemed to be the date when the letter would arrive in ordinary course of post:

Provided, that an appeal may be admitted after the said period of thirty days if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(3) The procedure to be followed by the appellate authority (Deputy Commissioner of Labour), when hearing appeals preferred to him under sub-section (2) of section 44 shall be summary. He shall record briefly the evidence adduced before him and then pass orders giving his reasons therefor. The result of the appeal shall be communicated to the parties as soon as possible. Copies of the orders shall also be furnished to the parties, if required by them”.

6. In the said rules, after rule 15 as so amended, the following rule shall be inserted, namely:—

“15A. Re-hearing of appeals.— (1) In any appeal preferred under the Act, if the employer or his representative fails to appear on the specified date, the appellate authority may proceed to hear and determine the appeal *ex parte*.

(2) In any appeal preferred under the Act, if the appellant fails to appear on the specified date, the appellate authority may dismiss the appeal.

(3) Notwithstanding anything contained in sub-rules (1) and (2), an order passed under either of those sub-rules may be *set aside* and the appeal reheard on good cause being shown within one month of the date of the said order, notice being served on the opposite party of the date fixed for such rehearing.

7. *Amendment of rule 17.*— In rule 17 of the said rules,—

(a) in sub-rule (4), for the word and figures “Form-VII”, the word and figures “Form-VI” shall be substituted;

(b) for sub-rule (5), the following shall be substituted, namely :—

“(5) Every employer shall maintain a register of wages in Form-X in his establishment.”; and

(c) after sub-rule (5) as so amended, the following shall be inserted, namely:—

“(6) Wages slip in Form-VII shall be issued by every employer, to every person employed, every month, a day prior to the disbursement of wages or at least on the date of disbursement or if the wages are paid daily, alongwith the wages, duly signed by him or any other authorised person and also the signature of the concerned person employed shall be obtained. The copies of wage slip issued shall be maintained by the employer and produced to the Inspector on demand.”.

8. *Amendment of rule 19.*— In sub-rule (4) of rule 19 of the said rules, for the word and figures “Form-VIII” , the word and figures “Form-VI” shall be substituted.

9. *Amendment of rule 22.*— In the said rules, for rule 22, the following shall be substituted, namely:—

“22. Maintenance of registers and records and display of notices.— (1) Every employer shall maintain a Register of Employment in Form-VIII.

(2) (a) Every employer shall exhibit in his establishment in a conspicuous place, a notice in Form-IX showing the names of the persons employed, daily periods of work, rest interval and weekly holidays and send a copy of the same to the Assistant Inspector of Labour having jurisdiction over the area before commencement of work by the persons employed therein.

(b) No employer shall require or allow any person employed to work in his establishment without exhibiting a notice in Form-IX in respect of him and without sending a copy of it to the Assistant Inspector of Labour concerned and shall not require or allow him to work otherwise than in accordance with the periods of work and weekly holiday shown therein:

Provided, that the persons employed may be required to work overtime in accordance with the provisions of the Act, if entries showing the periods of such overtime work are made before commencement of such work in the employment register:

Provided, further that in exceptional circumstances and due to unforeseen reasons when a notice of change could not be sent to the Assistant Inspector of Labour prior to allowing or requiring any person/persons employed to work otherwise than in accordance with the notice in Form-IX, it will be deemed sufficient compliance with the rules, if the notice of change has been exhibited simultaneously while so allowing him to work subject to the payment of overtime wages, in accordance with the provisions of the Act and Rules, entries being made to the employment register.

(3) Every employer shall exhibit in his establishment a notice containing such extracts of the Act and these Rules in English and in the language of the majority of the persons employed by him as the Government may direct.

(4) Any notice required to be exhibited under these rules shall be exhibited in such manner that can be readily seen and read by any person whom it affects and shall be renewed whenever it becomes defaced or otherwise ceases to be clearly legible.

(5) In any register or record which an employer is required to maintain under these rules, the entries relating to any day shall be made on such day.

(6) The registers / records and notices relating to any calendar year shall be preserved till the end of the next calendar year.

(7) Save as otherwise provided in sub-rule (3), all registers, records and notices required to be maintained, exhibited or given under this rule shall be either in English or in the language of the majority of the persons employed in the establishment.

(8) Every employer shall maintain a visit book in which an Inspector visiting the establishment may record his remarks regarding any defects that may come to light at the time of his inspection and shall produce it whenever required to do so by Inspector having jurisdiction .”.

10. *Insertion of new rule 23A.*— In the said rules, after rule 23, the following rule shall be inserted, namely:—

“23-A. **Self-certification by the employer.**— Every employer of Information Technology Software Establishment and Information Technology Software Enabled Services, shall furnish to the Assistant Inspector of Labour at the end of each half year, a certificate of maintenance of registers, records and notices which are required to be maintained or exhibited under the provisions of these rules in Form-XI in duplicate. The certificate for the half year ending 30th June shall be furnished before 31st July of the year and the certificate for the half year ending 31st December shall be furnished before 31st January of the succeeding year.”.

11. *Amendment of rule 25.*— In rule 25 of the said rules, for the word and figures “Form-XV”, the word and figures “Form-XII” shall be substituted.

12. *Amendment of rule 26.*— In rule 26 of the said rules, for the words “fifty rupees” occurring at the end, the words “five hundred rupees” shall be substituted.

13. *Insertion of new rule 27.*— In the said rules, after rule 26, the following rule shall be inserted, namely:—

“27. **Exemptions.**— The Government may exempt either permanently or for any specified period, any establishment or class of establishments, or person or class of persons, from all or any of the provisions of these rules, subject to such conditions as the Government may deem fit.”.

14. *Amendment of forms.*— In the said rules,—

(a) for Form-VI appended thereto, the following shall be substituted, namely:—

"FORM - VI

[See sub-rule (4) of rule 17 and sub-rule (4) of rule 19]

REGISTER OF ADVANCES PAID, DEDUCTIONS FOR DAMAGES OR LOSSES AND FINES

Name and address of the establishment :

Month :

Year :

Advances paid		Deductions for damages/losses		Fines	
(1)	Serial Number				
(2)	Name of the person employed				
(3)	Father's/husband's name				
(4)	Employee number				
(5)	Designation				
(6)	Date of payment				
(7)	Amount paid				
(8)	Number of instalments to be recovered.				
(9)	Date on which recovery completed.				
(10)	Damage/loss caused				
(11)	Date of show cause notice				
(12)	Total amount of deduction imposed.				
(13)	Number of instalments to be recovered.				
(14)	Date on which deduction completed.				
(15)	Act or omission				
(16)	Date of show cause notice				
(17)	Amount of fine imposed				
(18)	Date on which fine recovery completed				
(19)	Signature or thumb-impression of the person employed.				
(20)	Remarks";				

(b) for Form-VII appended thereto, the following shall be substituted, namely :—

“FORM – VII

[See sub-rule (6) of rule 17]

WAGE SLIP / LEAVE CARD

1. Name and address of the establishment							
2. Name of the person employed							
3. Father's or husband's name							
4. Designation							
5. Date of entry into service							
6. Wages period		From		To			
7.	Wage earned—	Deductions—					
	(a) Basic	(i) Employees Provided Fund					
	(b) Dearness allowances	(ii) Employees' State Insurance					
	(c) House rent allowance	(iii) Other deduction					
	(d) Overtime wages						
	(e) Leave wages						
	(f) Other allowance						
	(g) Gross wages	Net amount paid					
8. Leave availed during the month		CL		SL		EL	M
9. Leave at credit		CL		SL		EL	M

Signature of the Employer/Manager/ or any other authorised person. *Signature or thumb-impression of the person employed.”;*

(c) for Form-VIII appended thereto, the following shall be substituted, namely :—

“FORM – VIII
[See sub-rule (1) of rule 22]

REGISTER OF EMPLOYMENT FOR SHOPS AND ESTABLISHMENTS

Name and address of the establishment :														Month :		Year :	
Serial number	Name of the person employed	Date of entry into service	Age/date of birth	Designation	Leave credit to the beginning of the month.	Leave availed during the month.	Leave balance.	Daily hours of work including overtime (if any) (1, 2, 3,.....30, 31).	Total hours of overtime worked	Total hours of work done during the month.	Total number of maternity leave availed.						
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)

N.B. : The leave to be credited to the account shall also be included in the column under the respective heads. The holidays with wages (privilege leave) balance at the end of the year is to be carried forwarded to next year. The National Holiday or approved Festival Holiday occurring in the month shall be indicated on the top against the respective dates.”;

(d) for Form – IX appended thereto, the following shall be substituted, namely:—

“FORM – IX
[See sub-rule 2(a) of rule 22]

NOTICE OF DAILY HOURS OF WORK, REST INTERVAL, WEEKLY HOLIDAY, ETC.

Name and full address of the establishment : Date of payment of wages :

Name of the Employer / Contractor / :
Managing Director/Managing Partner/or
authorised person with full residential address.

Part – I														Part – II	
Serial. Number	Name of the person employed.	Sex	Father's/husband's name.	Designation	Employee's number	Date of entry into service	Adult/adolescent/child.	Shift number	Time of commencement of work.	Rest interval	Time which work ends	Weekly holiday	Class of workers	Rates of Wages	
														Max.	Min.
														(15)	(16)

N.B. : If shifts are not available, mention as “General”.

*Signature of the Employer/Contractor/Managing Director/
Managing Partner/Manager/Authorised Person.*

(Name in capitals)”;

“FORM – X

REGISTER OF WAGES

Wage period

Year

(6)	Gross wages	Deductions
(17)	Provident fund	
(18)	Employees' State Insurance	
(19)	Other deductions (indicate nature)*	
(20)	Fines (if any)*	
(21)	Net wages	
(22)	Signature with date or thumb-impression/cheque number and date in case of	

employed for the month of

Signature of Employer/
Contractor/Authorised

(f) for Form-XI appended thereto, the following shall be substituted, namely:—

“FORM – XI

(See rule 23-A)

**SELF-CERTIFICATION FOR THE INFORMATION
TECHNOLOGY SOFTWARE ESTABLISHMENTS
FOR THE HALF-YEAR ENDING 20 .**

1. Name and address of the Information :

Technology Establishment.

Phone No. :

Fax :

E-mail :

2. Name and address of the Employer :

Phone No. :

Fax :

E-mail :

3. Nature of Information Technology Activity :

4. Number of persons employed —

(1) Male :

(2) Female :

(3) Total :

5. (a) Working hours: Compliance of provisions relating to daily/working hours (Section 17).

Daily :

Weekly :

(b) Leave :

Whether the persons employed :
are allowed leave with wages.

6. Whether a notice in Form-XII exhibited :
7. Health and safety—
Whether precautionary measures :
against fire and other health and
safety measures are provided as
prescribed in section 23 to 27.
8. Whether the following registers are
maintained upto date as prescribed
in the act/rules—
 - (a) Register of fines [rule 17(3)] :
 - (b) Register of deductions for damages :
or losses [rule 17(4)].
 - (c) Register of advance [rule 19 (4)] :
 - (d) Register of employment [rule 22 (1)] :
 - (e) Register of hours of work :
[rule 22 (2)(a)].
 - (f) Register of holidays, leave granted, etc. :
[rule 22 (2)(a)].
 - (g) Register of wages [rule 17 (5)] :
9. Whether permission for maintaining :
computerised and alternate forms are
obtained (rule 23). If yes, give the
number and date of the order.
10. Whether name board of the establishment :
exhibited in Tamil in Puducherry and
Karaikal regions, Malayalam in Mahe
region and Telugu in Yaman region as
prescribed in rule 24-A of the
Puducherry Shops and Establishments
Rules, 1964.

Signature of the Employer.

CERTIFICATE

Certified that during the half-year ending, we have complied with all the provisions under the Puducherry Shops and Establishments Act, 1964 and the Puducherry Shops and Establishments Rules, 1964 made thereunder, in addition to those specifically mentioned above.

The above certificate is issued with full knowledge of the statute. We are jointly and severally responsible for any information found incorrect subsequently and liable for prosecution under the provisions of the said Act and Rules made thereunder for furnishing incorrect information.

Signature of Manager

Signature of the Employer

Name :

Name :

Designation :

Designation :

Office Seal :

Office Seal :

Accepted :

Date :” ;

Assistant Inspector of Labour.

(f) The existing Forms-XII, XIII and XIV shall be omitted.

(By order of the Lieutenant-Governor)

G. MALAR KANNAN,

Joint Secretary to Government (Labour).

online publication at “<http://styandptg.puducherry.gov.in>”

Government Central Press

Directorate of Stationery and Printing

Puducherry-9.